

## Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 FRB-03 OMB-01 TAR-02

SP-03 SWF-02 AGR-20 AID-20 CIAE-00 COME-00 INR-11

LAB-06 NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 TRSE-00

CIEP-03 CEA-02 DODE-00 DOTE-00 FMC-04 CG-00 COA-02

DLOS-07 PA-04 PRS-01 USIA-15 DRC-01 /183 W

----- 078239

R 020834Z AUG 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 3704

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

USMISSION GENEVA

/AMEMBASSY LONDON 2135

USMISSION USUN NEW YORK

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

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E.O. 11652: NA

TAGS: ETRN UNCTAD UN JA

SUBJ: SHIPPING: CODE OF CONDUCT FOR LINER CONFERENCES

REF: STATE 154561 #

SUMMARY: ACCORDING TO FONOFF OFFICIAL, JAPAN VOTED FOR LINER  
CONFERENCE CODE AS A WHOLE FOR ESSENTIALLY POLITICAL REASONS  
(TO APPEASE LDC'S) WHILE DEMURRING ON NUMBER OF SIGNIFICANT  
SPECIFIC PROVISIONS. BOTH FONOFF AND TRANSPORT MINISTRY (MOT)  
RECOGNIZE PROBLEMS WHICH IMPLEMENTATION BY JAPAN OF CODE IN ITS  
PRESENT FORM WOULD CAUSE IN SHIPPING RELATIONS WITH IMPORTANT  
MARITIME COUNTRIES SUCH AS U.S. AND U.K. WHICH VOTED AGAINST  
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CODE. FOR THAT REASON JAPAN WILL NOT CONSIDER RATIFICATION

UNTIL IT HAS COMPLETED DETAILED ANALYSIS OF CODE AND CONSIDERED ALL IMPLICATIONS VIS-A-VIS JAPAN'S RELATIONS WITH OTHER COUNTRIES. IF GOJ DECIDES TO RATIFY CODE IT WILL HAVE TO SEEK DIET APPROVAL. ACCORDING TO MOT, EARLIEST DATE GOJ COULD BE IN POSITION TO SUBMIT MATTER FOR DIET CONSIDERATION WOULD BE DURING DIET SESSION BEGINNING DECEMBER 1976. END SUMMARY.

1. RE PARA 5 REFTTEL, TOMITA (DIRECTOR, OVERSEAS DIVISION, SHIPPING BUREAU, MOT) CONFIRMED TO E/C COUNS ON AUGUST 1 THAT HE WOULD PREFER, AS WEBB HAD UNDERSTOOD, TO POSTPONE BILATERAL DISCUSSIONS ON LINER CONFERENCE CODE UNTIL AFTER COMPLETION OF INVISIBLES EXERCISE. TOMITA EXPLAINED, HOWEVER, HOWEVER, THAT THIS WAS A QTE PERSONAL VIEW UNQTE WHICH HE HAD NOT CLEARED WITH SHIPPING BUREAU DIRECTOR-GENERAL SONOMURA.

2. DURING MEETING WITH TOMITA E/C COUNS REMARKED THAT WHILE GOJ WAS ALREADY FULLY AWARE OF U.S. OBJECTIONS TO LINER CONFERENCE CODE, HE NEVERTHELESS WANTED TO EMPHASIZE THE SERIOUS DIFFICULTIES THAT WOULD ENSUE IN U.S.-JAPANESE SHIPPING RELATIONS IF GOJ IMPLEMENTS THE CODE. IN PARTICULAR HE MENTIONED PROBLEMS THAT WOULD BE RAISED IN CONNECTION WITH CODE PROVISIONS ON CONFERENCE MEMBERSHIP, CARGO SHARING AND FREIGHT RATES.

3. TOMITA OBSERVED THAT U.S. AND U.K. WERE MOST IMPORTANT COUNTRIES VOTING AGAINST CODE WHILE JAPAN AND WEST GERMANY WERE MOST IMPORTANT COUNTRIES VOTING FOR IT. HE SAID MOT FULLY APPRECIATES PROBLEMS THAT COULD RESULT FROM THESE DIFFERENCES OF ATTITUDE TOWARDS CODE, I.E. IF SOME IMPORTANT MARITIME COUNTRIES ADOPT IT WHILE OTHERS DO NOT. BECAUSE OF THESE IMPLICATIONS HE SAID JAPAN WOULD BE CONSULTING CLOSELY WITH U.S. AND OTHER MARITIME COUNTRIES DURING GOJ CONSIDERATION OF THE CODE. HE ALSO SAID GOJ WOULD NOT REACH A DECISION ON RATIFICATION UNTIL AN EXHAUSTIVE PARAGRAPH-BY-PARAGRAPH ANALYSIS OF CODE HAS BEEN CARRIED OUT AND ALL IMPLICATIONS CAREFULLY EXAMINED. HE EXPRESSED VIEW THAT THIS PROCEDURE, INCLUDING CONSIDERATION OF CHANGES IN LEGISLATION NEEDED TO BRING JAPANESE DOMESTIC LAW INTO CONFORMITY WITH CODE, DEFINITELY COULD NOT BE COMPLETED IN TIME FOR GOJ TO SUBMIT CODE TO DIET DURING SESSION BEGINNING DECEMBER 1974 AND THAT IT WAS HIGHLY IMPROBABLE THAT IT COULD EVEN BE LIMITED OFFICIAL USE

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DONE IN TIME FOR SESSION BEGINNING DECEMBER 1975. IN SHORT, EARLIEST TIME GOJ LIKELY TO BE IN POSITION TO SEEK DIET APPROVAL OF CODE WOULD BE DURING SESSION BEGINNING DECEMBER 1976.

4. TOMITA SAID HE UNDERSTOOD THAT FMC DELEGATION PROBABLY WOULD WANT TO DISCUSS LINER CONFERENCE CODE DURING MEETING WITH MOT SEPT 19-20.

5. WE HAVE ALSO CONVEYED USG CONCERNS RE CODE TO FONOFF (TANIGUCHI, DIRECTOR, ECONOMIC AFFAIRS DIVISION, UN BUREAU). TANIGUCHI STATED THAT JAPAN HAD FELT POLITICALLY CONSTRAINED TO VOTE FOR CODE AS A WHOLE BECAUSE OF LDC INTERESTS ALTHOUGH, AS JAPANESE DELEGATE HAD MADE CLEAR AT THE PLENIPOTENTIARY CONFERENCE, JAPAN'S VOTE WAS NOT TO BE TAKEN AS INDICATING GOJ ACCEPTANCE OF ALL OF CODE'S SPECIFIC PROVISIONS. HE DID NOT THINK GOJ WOULD RATIFY THE CODE UNLESS SOME OF ITS PROVISIONS ARE CHANGED OR AT LEAST REINTERPRETED" TO PROVIDE MORE FLEXIBILITY IN ITS IMPLEMENTATION. TANIGUCHI AGREED WITH TOMITA'S ASSESSMENT THAT CONSIDERABLE TIME WOULD BE REQUIRED FOR GOJ TO COMPLETE ITS STUDY OF CODE AND DECIDE WHETHER TO SEEK DIET APPROVAL FOR RATIFICATION.  
HODGSON

NOTE BY OCT: # REFERENCE NOT IDENTIFIED.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, MARITIME LAW, COMMITTEE MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 AUG 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974TOKYO10093  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740210-1022  
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**Legacy Key:** link1974/newtext/t19740876/aaaacntw.tel  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** STATE 154561 #  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 02 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <02 APR 2002 by shawdg>; APPROVED <25 JUN 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** SHIPPING: CODE OF CONDUCT FOR LINER CONFERENCES  
**TAGS:** ETRN, JA, UNCTAD, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005